

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

DOMINIQUE N. THOMAS (CABN 231464)
Special Assistant United States Attorney
1301 Clay Street, Suite 340S
Oakland, CA 94612
Telephone: (510) 637-3680
Fax: (510) 637-3724
E-Mail: dominique.thomas@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. 09-00229 DLJ
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO JULY 31, 2009 FOR
v.)	JUDGMENT AND SENTENCING AND
)	TO EXCLUDE TIME UNDER THE
CARLOS SERAFIN-MORALES (aka)	SPEEDY TRIAL ACT AND ORDER
Efrain Calixto-Jimenez,)	
)	Date: July 10, 2009
Defendant.)	Time: 10 a.m.
)	

A hearing in the above-captioned matter is set for July 10, 2009, for judgment and sentencing. The parties jointly request that the Court continue the matter to July 31, 2009 at 10:00 a.m., and that the Court exclude time under the Speedy Trial Act, 18 U.S.C. § 3161(h)(7)(A), between the date of this stipulation and July 31, 2009.

Mr. Serafin-Morales is charged in a one-count indictment with a violation of 8 U.S.C. § 1326, for being a deported alien found in the United States. On May 1, 2009, Mr. Serafin-Morales pleaded guilty to count one of the indictment, and the case was continued to July 10, 2009, for sentencing. The parties have not entered into a plea agreement.

On June 29, 2009, the matter was transferred to new government counsel for all

1 purposes.¹ Under the circumstances, the government requests a modest amount of time to review
2 the record in this case. The ends of justice will be served by a reasonable continuance for
3 effective preparation, taking into account the exercise of due diligence. Because defense counsel
4 will be in training for the next two weeks, the parties request a hearing date of July 31, 2009.

5
6 DATED: July 9, 2009

/s/
DOMINIQUE N. THOMAS
Special Assistant United States Attorney

7
8
9 DATED: July 9, 2009

/s/
NED SMOCK
Assistant Federal Public Defender

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

¹ The former prosecutor, Ms. Chinhayi Coleman, is currently on maternity leave.

ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby
FINDS:

1. Given that on May 1, 2009, the defendant entered a plea of guilty to the one-court
indictment in this matter and sentencing was scheduled for July 10, 2009;

2. Given that there is no plea agreement;

3. Given that new government counsel was assigned to this matter on June 29, 2009;
and

4. Given that government counsel needs sufficient time to review the record;

Based on these findings, IT IS HEREBY ORDERED that the sentencing date set for July
10, 2009, at 10:00 a.m., before the Honorable D. Lowell Jensen, is vacated and this matter is
reset to July 31, 2009, at 10:00 a.m., for judgment and sentencing.

IT IS FURTHER ORDERED that time is excluded under the Speedy Trial Act, 18 U.S.C.
§ 3161(h)(7)(A) and (B)(iv) from the date of this stipulation to July 31, 2009, to allow the
attorney for the Government the reasonable time necessary for effective preparation, taking into
account the exercise of due diligence.

DATED: July 10, 2009


HON. D. LOWELL JENSEN
United States District Judge